



US Army Corps
of Engineers
St Paul District

APPLICANT: City of Plymouth

Public Notice

ISSUED: 1/17/2014

EXPIRES: 2/15/2014

REFER TO: 2014-00082-MMJ

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material over approximately 5.95 acres of wetland adjacent to Elm Creek, in conjunction with the Peony Lane/Lawndale Lane Extension Project.
2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: City of Plymouth
Attn: Derek Asche
3400 Plymouth Boulevard
Plymouth, Minnesota 55447

PROJECT LOCATION: The project site is located in Sections 5, 6 & 7, T. 118 N., R. 22 W., Hennepin County, Minnesota. The approximate UTM coordinates are X: 460297.211535709 and Y: 4989160.26553397.

DESCRIPTION OF PROJECT: The City of Plymouth proposes to extend Peony Lane northward from its current terminus at 54th Avenue to Lawndale Lane and the border with the City of Maple Grove. The proposed project is 1.52 miles in length. A new four-lane, urban roadway with shoulders, dedicated turn lanes, a trail, sidewalk, and ponding would be constructed. The project would include constructing a storm sewer system to collect and treat storm water on site prior to discharge to surrounding wetlands and Elm Creek. Municipal watermain would also be constructed throughout the length of the Peony Lane/Lawndale Lane Extension project. A trail would be constructed on the east side of the road as part of the proposed Northwest Greenway Trail and allow for future connections of the trail to the east. A sidewalk would be constructed on the west side of the road.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in the permanent discharge of fill material over approximately 4.43 acres of fresh wet meadow and shallow marsh type wetland, and the additional temporary discharge of fill material over approximately 1.52 acres of fresh wet meadow and shallow marsh type wetland. See attached figures for details regarding type and footprint of wetland fill.

VEGETATION IN AFFECTED AREA: Information about the existing conditions in the Peony Lane project area was obtained through Hennepin County's Minnesota Land Cover Classification System database and the wetland delineation report for the project dated December 2011. These resources identified the following predominant habitat/cover types in the project area: Planted or Cultivated Vegetation. Much of the existing land use is agricultural cropland. Annually cropped areas provide minimal habitat for wildlife, except for resting areas for birds during migration. Croplands provide minimal cover and an occasional, monotypic food source. The frequent cultivation results in wildlife that is accustomed to frequent disturbance. Forest and Woodland Scattered forest and woodland areas

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are adjacent to and within the proposed project corridor. The largest wooded area is around Elm Creek in the southern half of the project. Immediately next to the proposed road project is a Lowland Hardwood Forest (Rated C) and an altered, non-native plant community. To the west of the proposed road near Elm Creek, the area contains Oak Forest (Rated B) and Maple-Basswood Forest (Rated B). The rating system is based on the Minnesota Land Cover Classification System surveys where an "A" rating indicates an excellent quality natural community and a "D" rating indicates a poor quality natural community. The Oak Forest and Maple-Basswood areas would not be impacted by the project. Some trees in the Lowland Hardwood Forest and non-native wooded area around Elm Creek would be removed for construction of the road. There are a few, smaller, scattered woodland areas that would be impacted by the project just north of the existing 54th Avenue. These areas are identified as altered, non-native wooded areas based on the Minnesota Land Cover Classification System. They are small and do not provide significant habitat.

According to the wetland delineation completed for the project, dated December 2011, the site contains 13 wetlands on approximately five acres. The wetlands on the site have been degraded by adjacent agricultural activities, but similar to the brush and grassland areas, they do offer some habitat for species. The wetland to the east of the project area is a large complex surrounding Elm Creek, and extends beyond the boundaries of the project area. While the wetland contains both native and invasive species, its contiguous nature provides a natural corridor to the north and south.

SOURCE OF FILL MATERIAL: During construction, grading of the road alignment would occur. This would include stripping topsoil and existing vegetation, cutting and filling, and excavation for storm ponds. The project would include excavating approximately 200,000 cubic yards of material within the project area. Of this amount, approximately 34,000 cubic yards would not be suitable for the roadway construction and would be hauled off-site. The remainder would be reused on site and an additional 56,000 cubic yards of sand and 19,000 cubic yards of aggregate would also be brought in for the road construction.

SURROUNDING LAND USE: Existing and past land use in the project area includes agricultural, residential, and institutional. Wayzata High School and a residential development (Elm Creek Highlands) are located at the south end of the Peony Lane project area. The remainder of the project is within rural residential and agricultural land uses. Elm Creek bisects the project area in the southern portion of the project and a large wetland complex is located east of the project. The Metropolitan Council has a sewer interceptor line that crosses the project area at 54th Avenue and then turns north along Lawndale Lane. There are no other known major underground utilities. The purpose of the project is to provide a more direct connection of Peony Lane from south of 54th Avenue to Lawndale Lane north of County Road 47. The intent of the roadway is to provide a transportation connection where one does not exist today by constructing a four-lane roadway. The City's 2030 Land Use Plan guides the surrounding area as a Rural-to-Urban transition zone with Living Area 1 and 2 designations as well as Public/Semi-Public and Institutional. The Living Area 1 and 2 designations are for 1-2 units per acre and 2-4 units per acre, respectively. The Rural-to-Urban Transition zone is designated primarily for northwestern Plymouth, where the road project is located. More than 70 percent of the City's anticipated housing growth from 2000 to 2030 will occur in northwest Plymouth. The planned residential land uses in this area will accommodate a potential range of 2,912 to 5,610 new households and density range of 2.87 to 5.54 dwelling units per acre. The Peony Lane project is compatible with adjacent land uses and has been planned for in the City's and County's Transportation Plans.

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THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Available background information was reviewed regarding the location of potentially contaminated properties within a half mile of the project site. The information reviewed included the following:

- Minnesota Pollution Control Agency (MPCA) Master Entity System "What's in My Neighborhood?" website search
- MPCA Storage Tank/Leak site website search

This search identified two sites within 0.5-mile of the project area. The two sites identified include a leak site located near the intersection of Fieldstone Boulevard and Merrimac Lane North in Maple Grove and a site with a recorded tank and leak near the intersection of Peony Lane and Old Rockford Road in Plymouth. These sites are not anticipated to be affected by the proposed project. No potentially contaminated sites were found within the project boundaries or within 0.125-mile of the project area. The project area is primarily rural and agricultural in nature. Farms or rural residential homes may have above or underground storage tanks for fuels and may also have areas used for dumping of household or farm waste. These areas have the potential to contain hazardous waste; however, the amounts would be localized and consistent with rural uses.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: In the existing conditions, storm water south of County Road 47 is directed via overland flow through agricultural areas and wetlands to Elm Creek and the large wetland complex to the east of the project. Elm Creek is listed as impaired for aquatic life and a Total Maximum Daily Load (TMDL) for dissolved oxygen is needed. Storm water north of County Road 47 is directed north and east into Elm Creek. As part of the project, storm water ponds to treat the water prior to discharge into surrounding wetlands and Elm Creek would be constructed. The storm water management plan for the project would meet the City of Plymouth's requirements in the City's Surface Water Management Plan, the requirements of the Elm Creek Watershed Management Commission (ECWMC), and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit. The City and ECWMC require that storm water be managed to maintain pre-development discharge rates for the 2-, 10-, and 100-year events and maintain in-stream flow rates in Elm Creek to pre-project rates. The City and ECWMC also require water quality treatment to meet Nationwide Urban Runoff Program (NURP) guidelines and nondegradation guidelines. Therefore, storm water would be managed to limited post-project nutrient loading to pre-project nutrient loading.

MITIGATION: The applicant has proposed to compensate for unavoidable permanent wetland impacts associated with this project via the purchase of wetland bank credits from a Corps approved wetland bank, located within the same major watershed (20) as the impact site.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

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Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, Suite 700, Saint Paul, MN 55101-1678.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Melissa Jenny at the St. Paul office of the Corps, telephone number (651) 290-5363.

To receive Public Notices by e-mail, go to: http://www2.mvp.usace.army.mil/list_server/ and add your information in the New Registration Box.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Hennepin County is within the known or historic range of the following Federally-listed proposed (P) threatened (T) and endangered (E) species:

<u>Species</u>	<u>Habitat</u>
Northern long-eared bat (P)	Caves and mines in fall & winter, upland forests in spring and summer.
Higgins' eye pearl mussel (E)	Mississippi River

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 08-02. We have made an initial determination that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act and/or Section(s) 9 & 10 of the Rivers and Harbors Act. The Corps will prepare an approved or preliminary jurisdictional determination prior to making a permit decision. Approved jurisdictional determinations are posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

<i>Unit of Government</i>	<i>Type of Application</i>	<i>Status</i>
US Army Corps of Engineers	Section 404 Permit	To be obtained
Pollution Control Agency	NPDES Storm Water Permit	To be obtained
Pollution Control Agency	Section 401 Water Quality Certification Permit	To be obtained

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Minnesota Department of Health	Watermain extension	To be obtained
Department of Natural Resources	Temporary dewatering for construction	To be obtained
Department of Natural Resources	Work in Public Waters	To be obtained
Hennepin County	Right-of-Way permit	To be obtained
City of Plymouth	WCA Approval	To be obtained
Elm Creek Watershed Management Commission	Stormwater and erosion control review	To be obtained

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA. The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency, Resource Management and Assistance Division,
Attention: 401 Certification, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service and the State Archaeologist for their comments. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The project corridor includes two previously recorded historic buildings. These buildings will be evaluated to determine if they are eligible for listing on the National Register of Historic Places. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

8. PUBLIC HEARING REQUESTS.

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Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

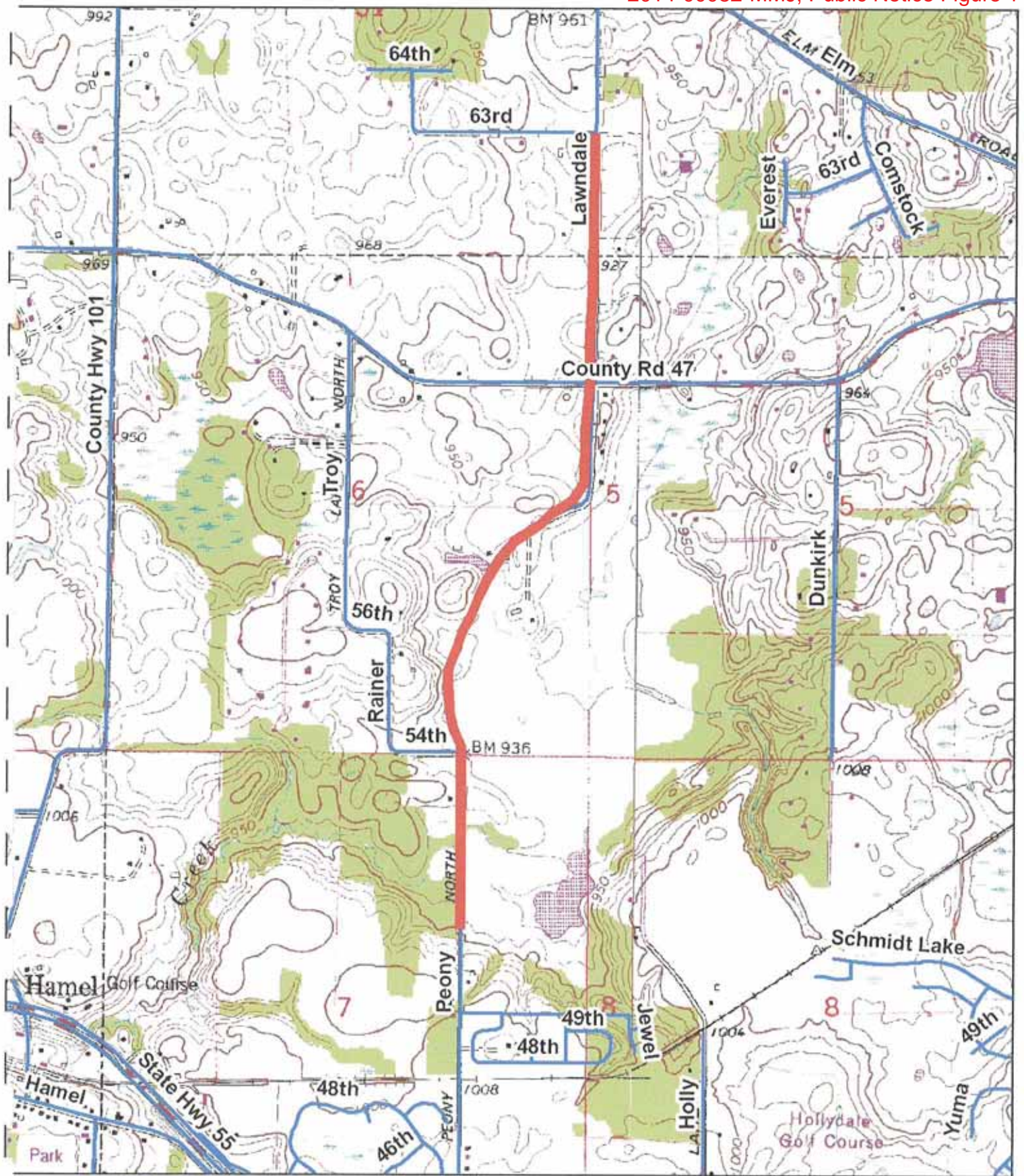
The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Chad Konickson
Chief, Southwest Section

Enclosures
(Attachments labeled as 2014-00082-MMJ, Public Notice Figures 1-15)

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



Map of Project Location

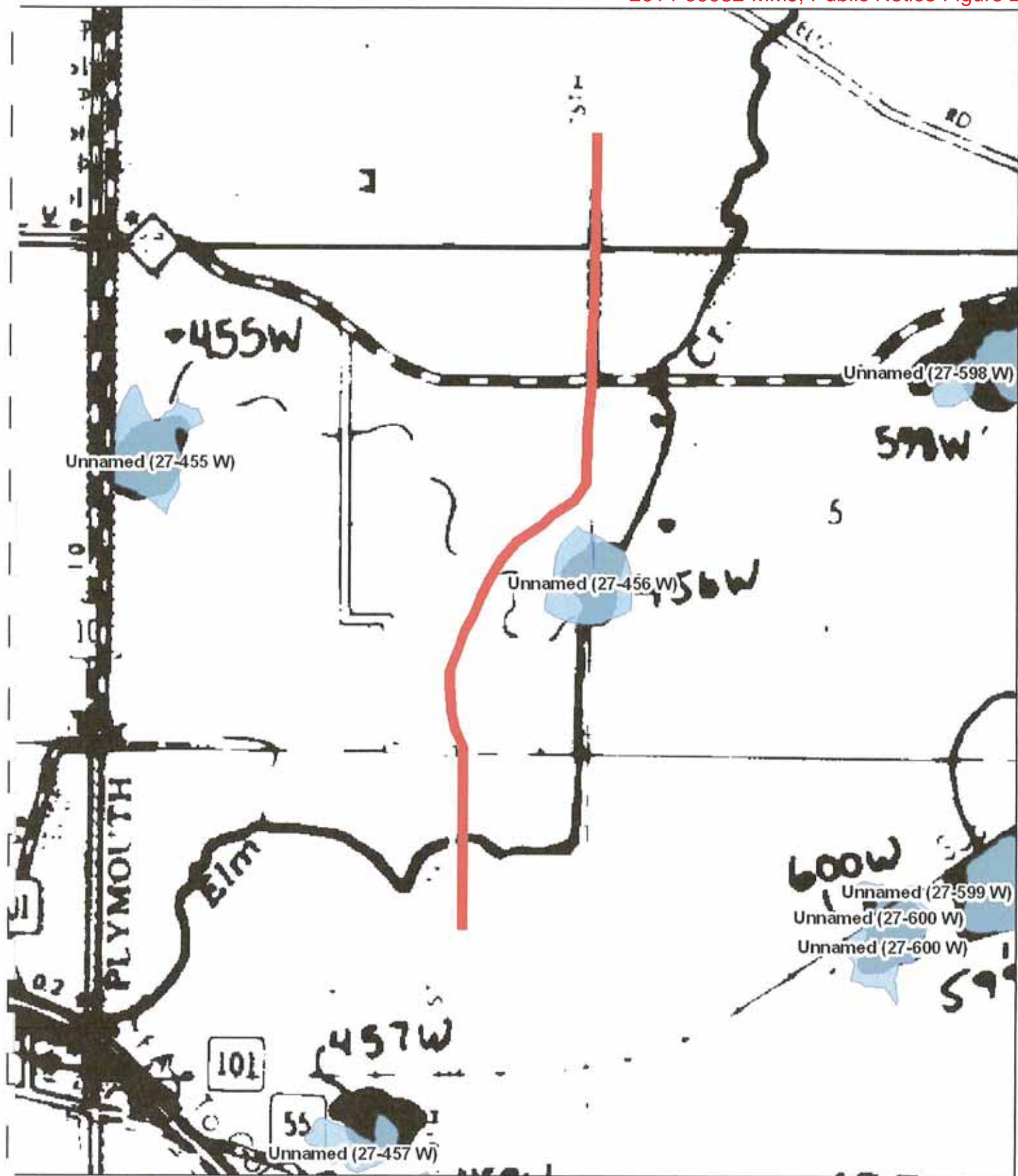
Overlaid on USGS Topo Map

Proposed Alignment

0 0.125 0.25 0.5 Miles

Figure 1

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



Map of Project Location

Overlaid on MN DNR PWI Map

Proposed Alignment

0 0.125 0.25 0.5 Miles



Figure 2

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



Hennepin County Soil Survey

Overlaid on 2010 Aerial Image

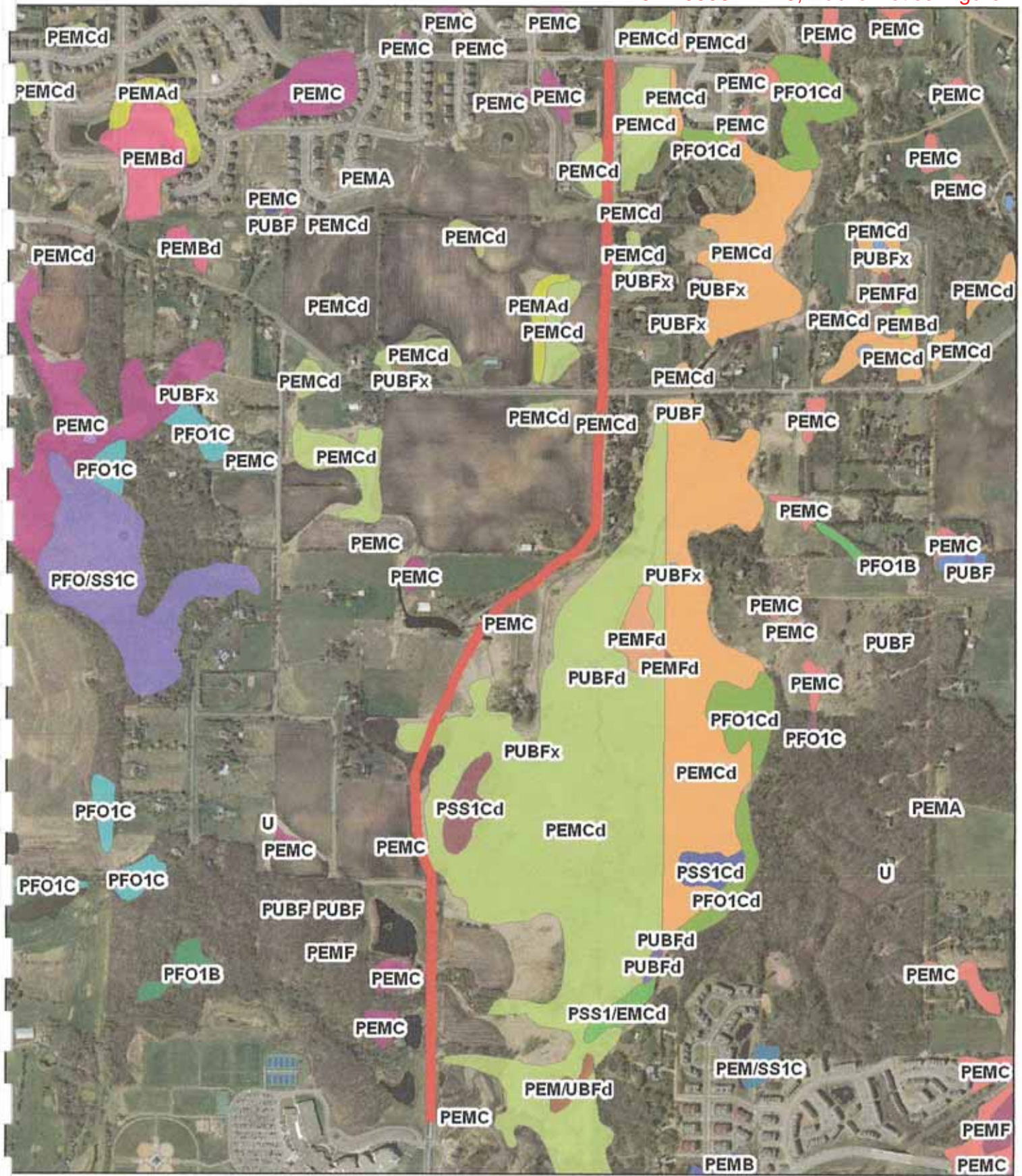
Proposed Alignment Non-Hydric Hydric

0 625 1,250 2,500 Feet



Figure 3

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



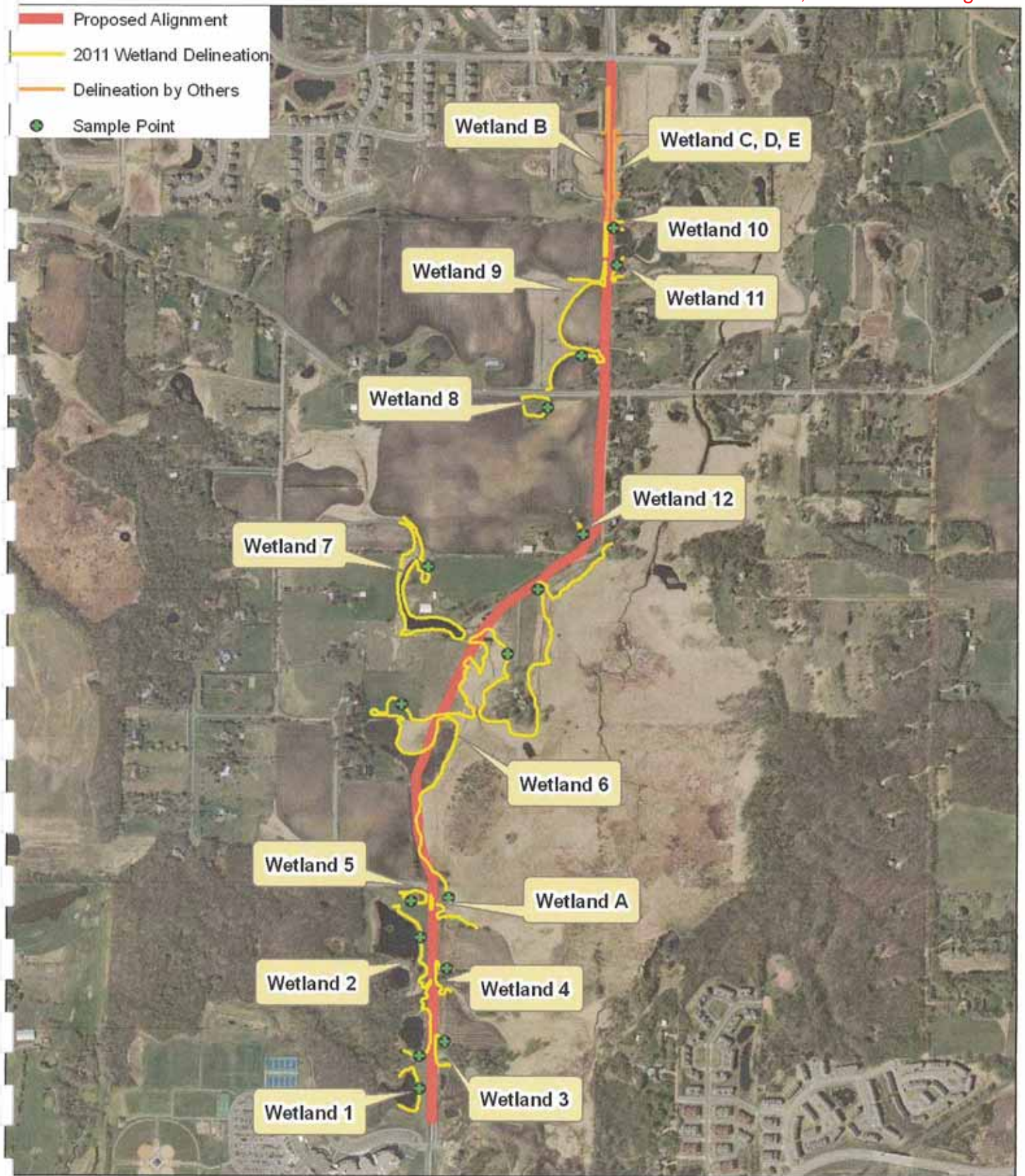
National Wetland Inventory Map

Overlaid on 2010 Aerial Image

 Proposed Alignment

Figure 4

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



GPS Located Wetland Boundary

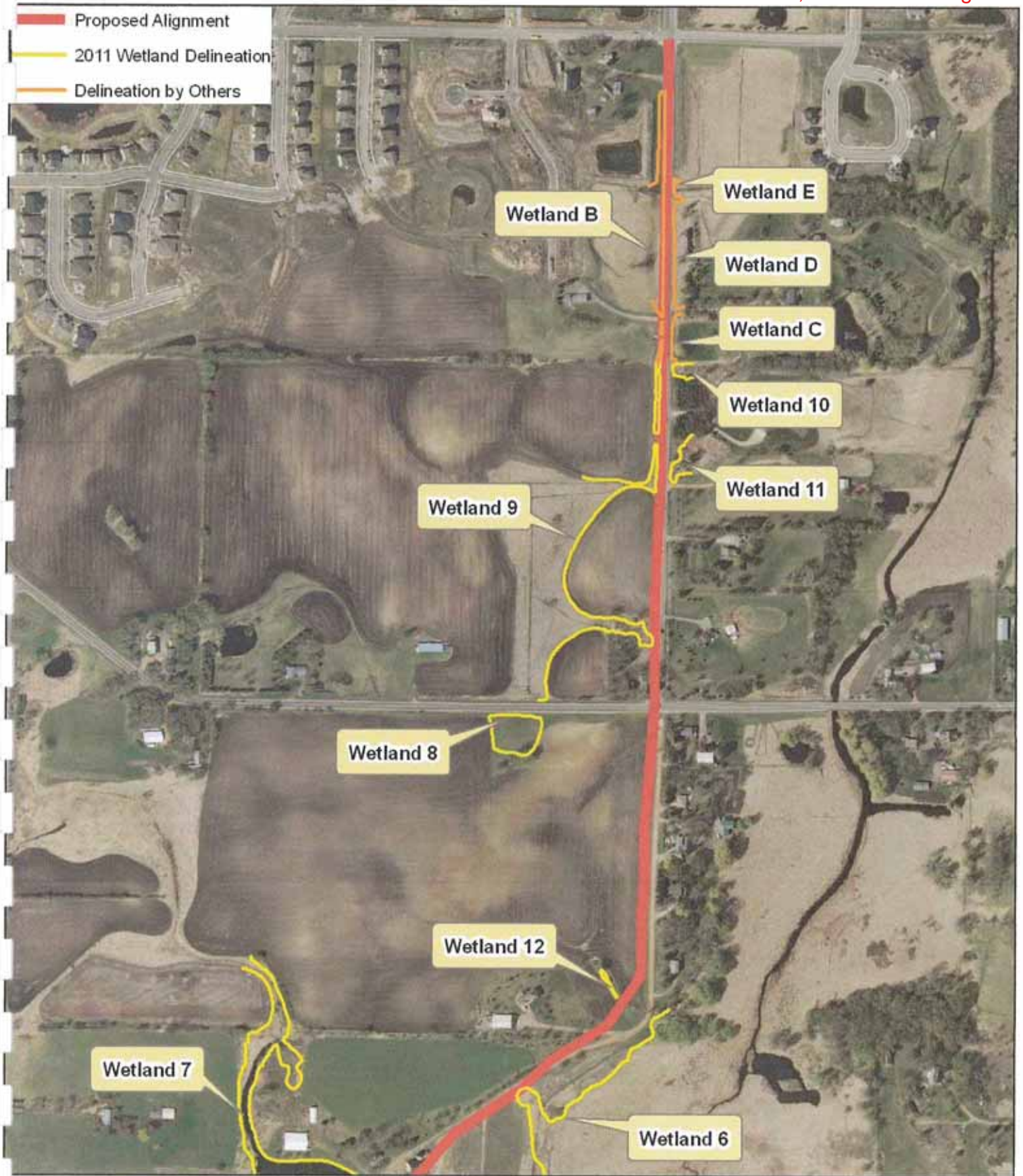
Overlaid on 2010 Aerial Image

0 625 1,250 2,500 Feet



Figure 5

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



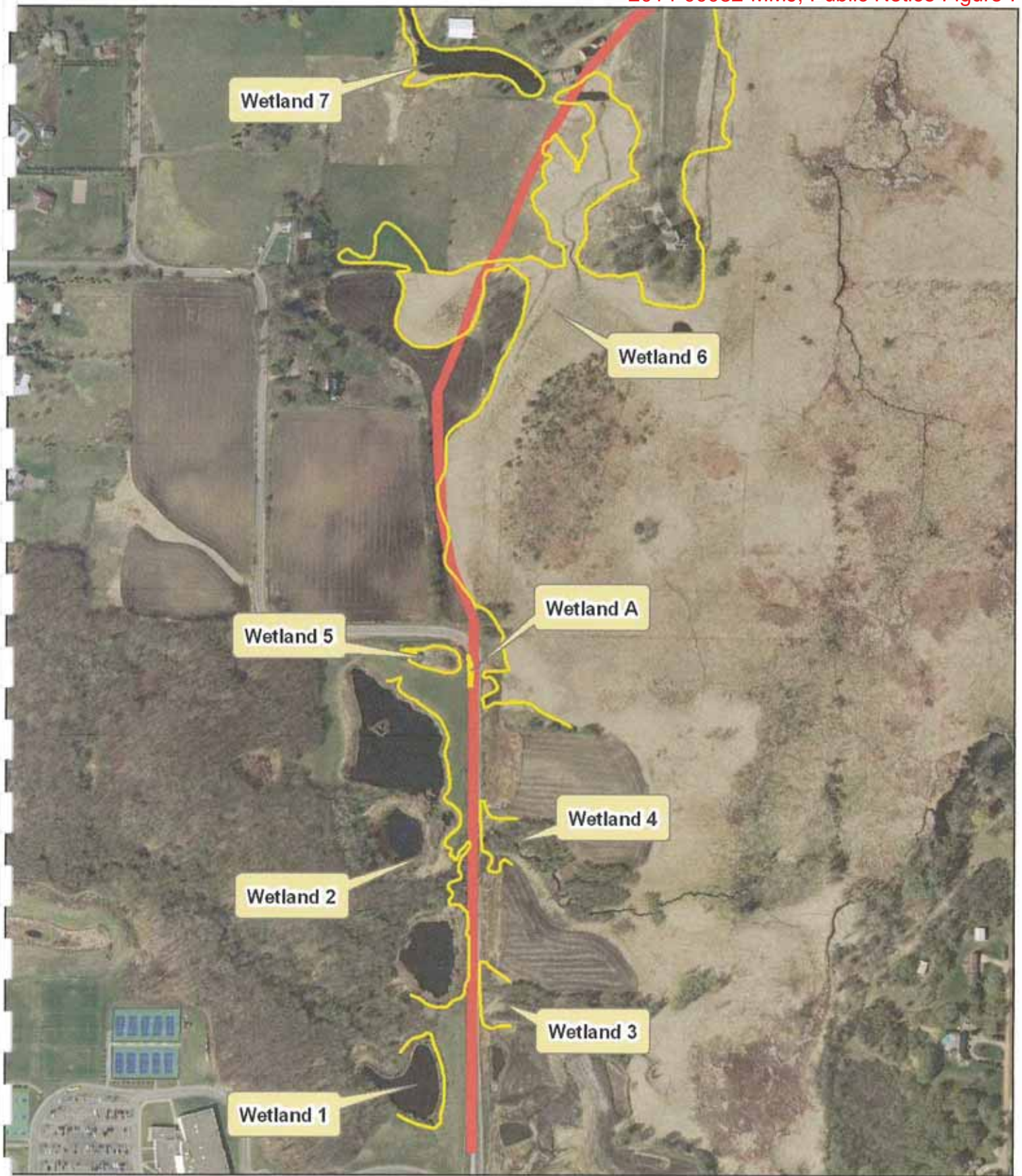
GPS Located Wetland Boundary (North)

Overlaid on 2010 Aerial Image



Figure 6

Peony Lane Corridor
City Project No. 10015
Plymouth, MN



GPS Located Wetland Boundary (South)

Overlaid on 2010 Aerial Image

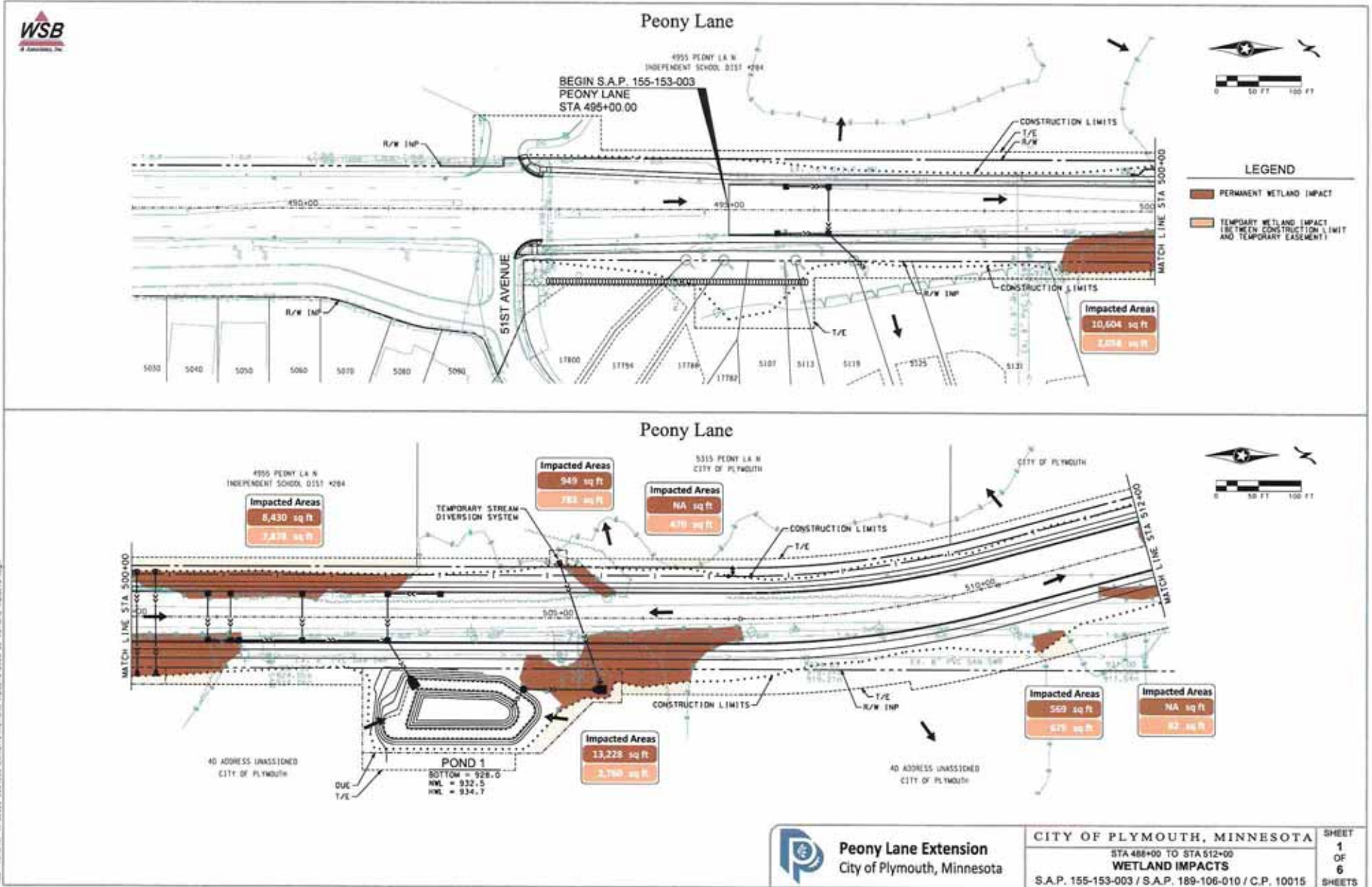
— Proposed Alignment — 2011 Wetland Delineation

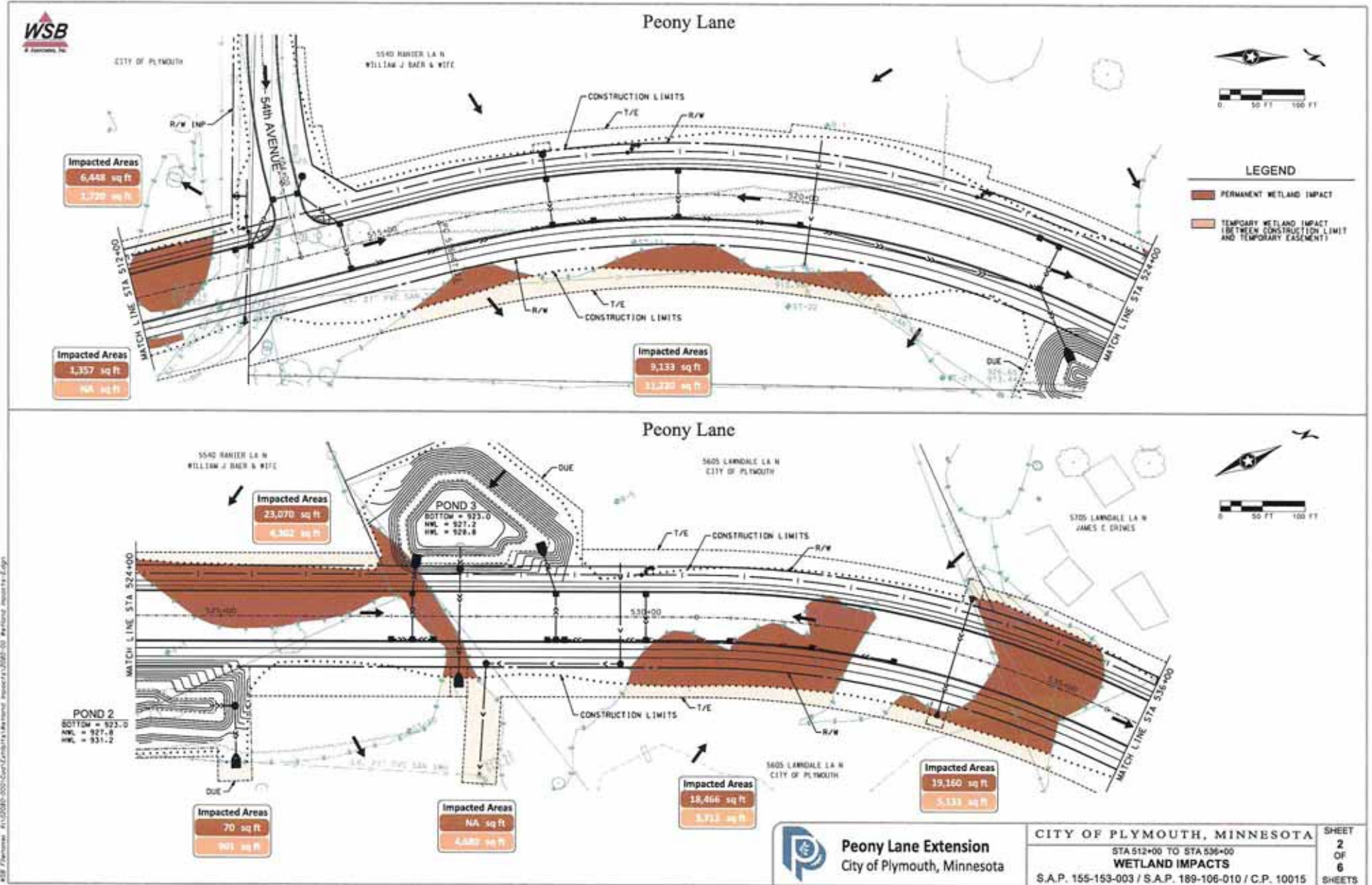
0 250 500 1,000 Feet

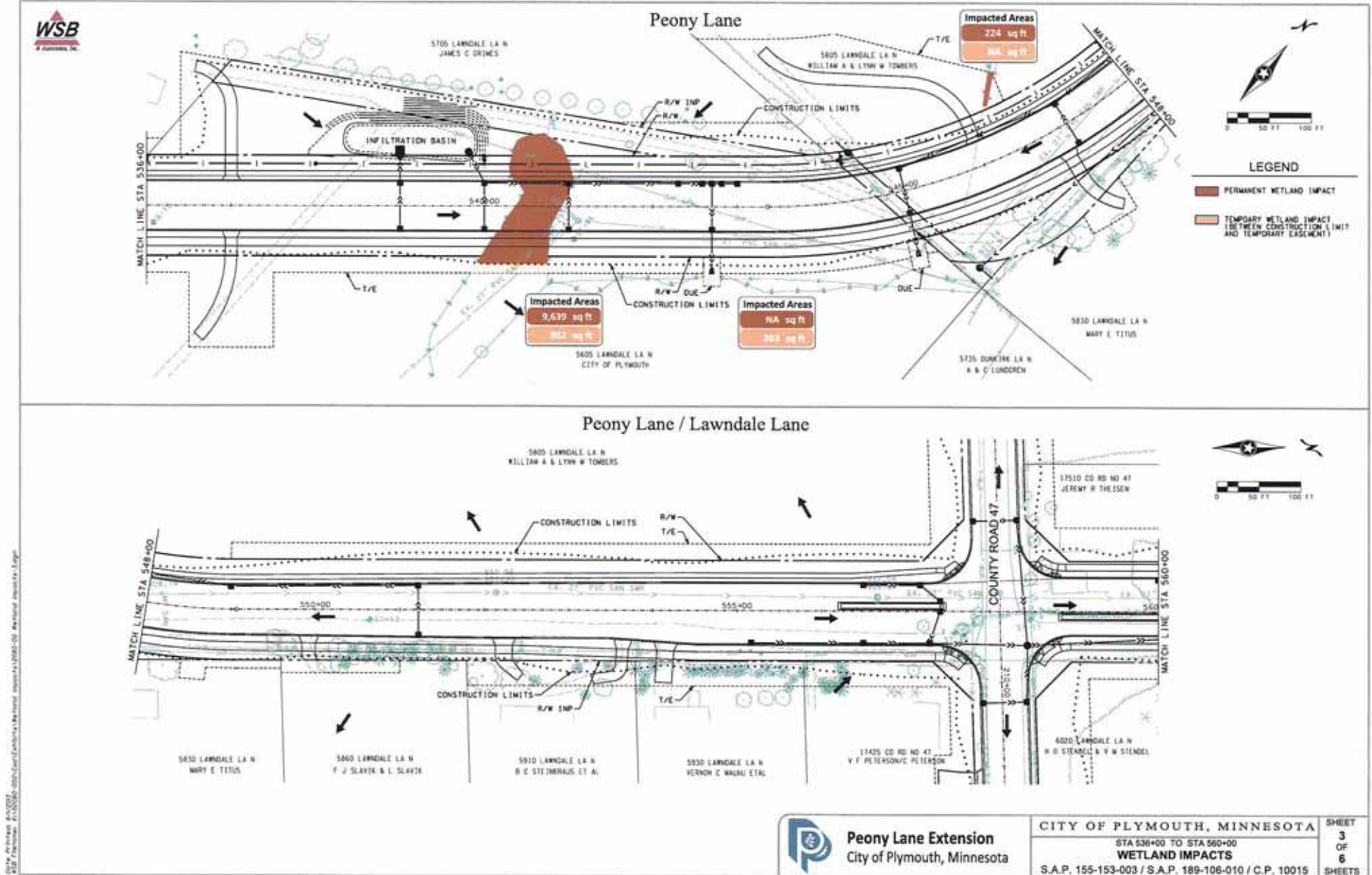


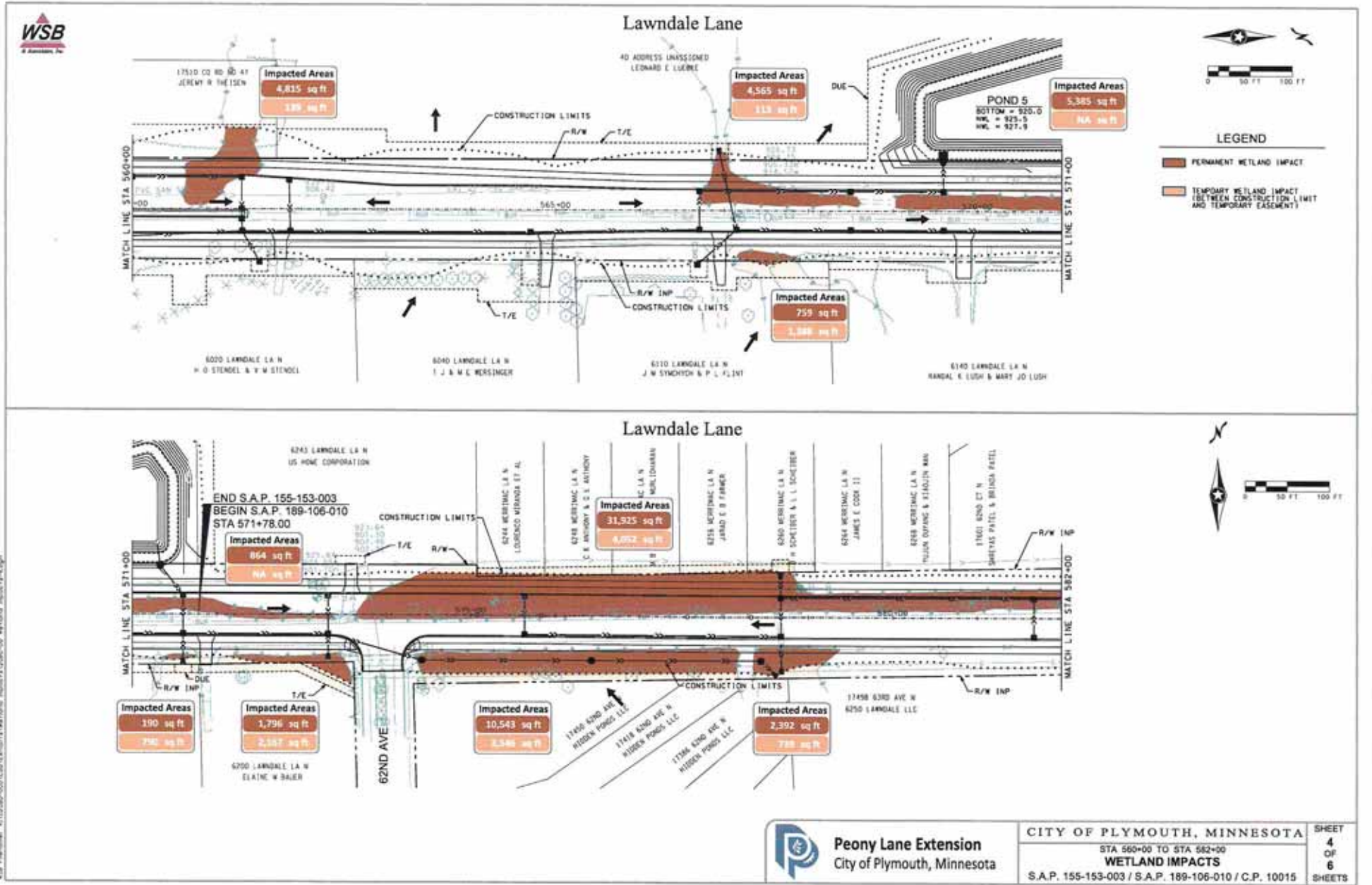
Figure 7

Peony Lane Corridor
City Project No. 10015
Plymouth, MN





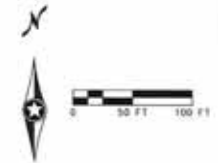




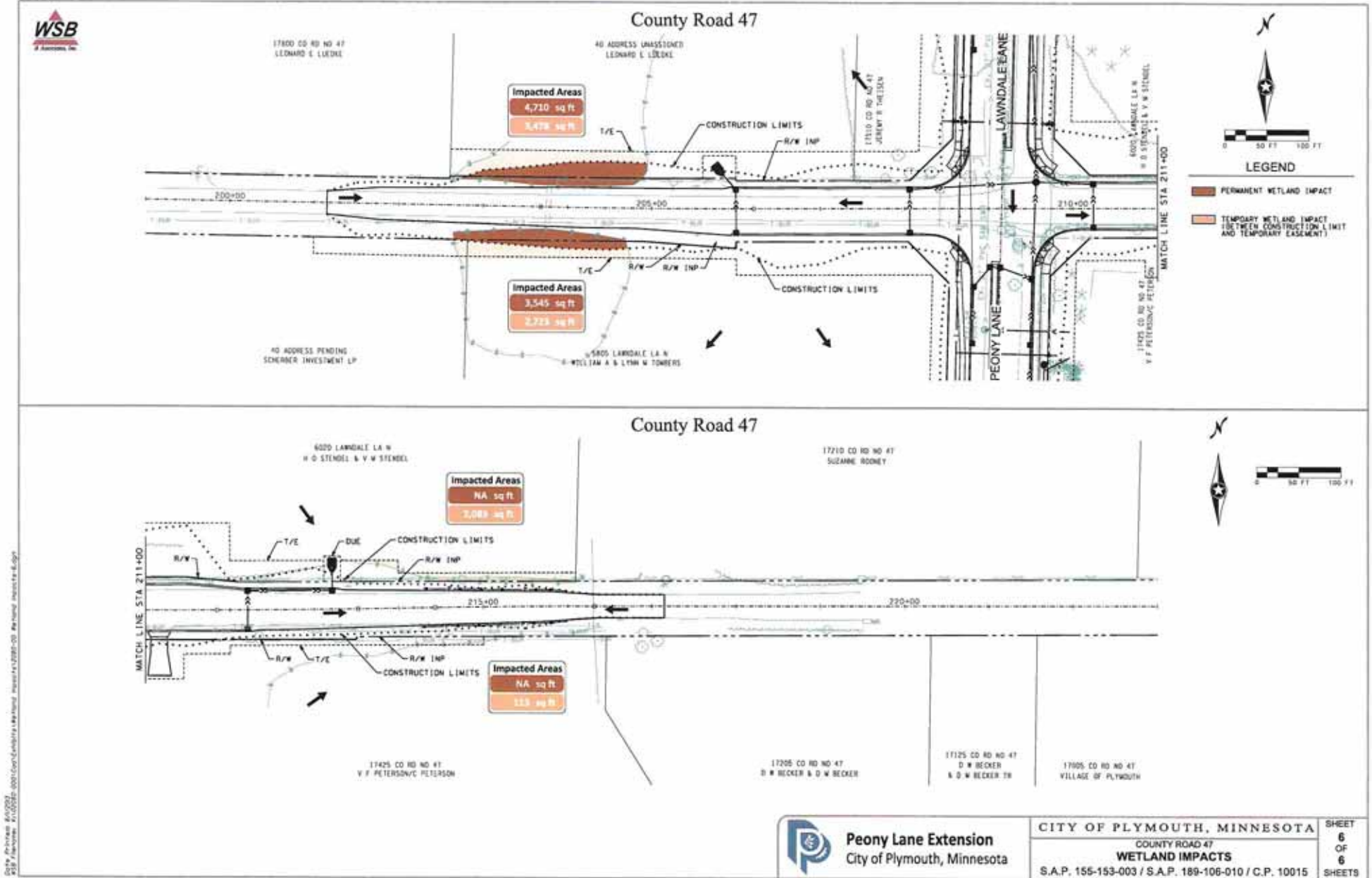


PERMANENT WETLAND IMPACT

TEMPORARY WETLAND IMPACT
(BETWEEN CONSTRUCTION LIMIT
AND TEMPORARY EASEMENT)



SHEET
5
OF
6
SHEETS



ID of Wetland Basin Impacted	Major Watershed Name or No.	County	Section, Twp, Range	Wetland Circ. 39 Type / Wetland Plant Community Type	Size of Wetland Impact	Size of Wetland Basin
2	20	Henn	7/118/22	3/Shallow Marsh	8430	N/A
2	20	Henn	7/118/22	3/Shallow Marsh	949	N/A
3	20	Henn	7/118/22	3/Shallow Marsh	10604	N/A
4	20	Henn	7/118/22	3/Shallow Marsh	13228	N/A
5	20	Henn	7/118/22	3/Shallow Marsh	6448	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	569	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	2659	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	6474	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	22958	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	70	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	112	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	18466	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	19160	N/A
6	20	Henn	6/118/22	2/Fresh Wet Meadow	9639	N/A
8	20	Henn	6/118/22	2/Fresh Wet Meadow	3545	N/A
9	20	Henn	6/118/22	3/Shallow Marsh	4815	N/A
9	20	Henn	6/118/22	3/Shallow Marsh	4565	N/A
9	20	Henn	6/118/22	3/Shallow Marsh	5385	N/A
9	20	Henn	6/118/22	3/Shallow Marsh	4710	N/A
9	20	Henn	6/118/22	3/Shallow Marsh	846	N/A
10	20	Henn	5/118/22	2/Fresh Wet Meadow	190	N/A
11	20	Henn	5/118/22	2/Fresh Wet Meadow	759	N/A
12	20	Henn	6/118/22	1/Seasonally Flooded	224	224
A	20	Henn	7/118/22	3/Shallow Marsh	1357	1357
B	20	Henn	31/119/22	2/Fresh Wet Meadow	31925	N/A
C	20	Henn	32/119/22	2/Fresh Wet Meadow	1796	N/A
D	20	Henn	32/119/22	2/Fresh Wet Meadow	10543	N/A
E	20	Henn	32/119/22	2/Fresh Wet Meadow	2392	N/A

192818

Impact by type	
1	224
2	131257
3	61337

192818

Wetland Impacts - Peony Lane / Lawndale Lane 1-Aug-13		
Location	Permanent Impacts (within construction limits)	Temporary Impacts (between const limits and easement)
	SQ FT	SQ FT
Peony - Plymouth	10604	2058
	8430	5878
	949	783
		470
	13228	2760
	569	679
		82
	1357	
	6448	1720
	2659	
	6474	11220
	22958	4302
		1606
	70	901
	112	4680
	18466	3712
	19160	3007
	9639	952
		203
	224	
	4815	139
	4565	113
	5385	
	759	1388
	190	790
Peony - Plymouth	137061	47443
CR 47	4710	3478
	3545	2723
		2083
		113
CR 47 subtotal	8255	8397
Lawndale - Maple Grove	846	
	31925	4052
	1796	2167
	10543	3546
	2392	739
Lawndale - Maple Grove	47502	10504
Project Total	192818	66344
	4.43	1.52